

**JUDICIAL COMMITTEE ON INFORMATION TECHNOLOGY**  
**MEETING MINUTES**  
**February 25, 2011 - 10:00 a.m.**  
**Supreme Court of Texas Courtroom, Austin**

**I. Call to Order**

Justice Simmons called the meeting to order at 10:06 a.m.

JCIT Members:

Chair, Justice Rebecca Simmons  
Honorable Dain Johnson  
Honorable Amalia Rodriguez-Mendoza  
David Slayton  
Honorable Frank Summers  
Bob Wessels  
Honorable Mike Cantrell (phone)

JCIT Liaison Members:

Miles Brissette  
Honorable Jack Cagle  
Doug Gowin (phone)  
Honorable Paul Green  
Honorable Blake Hawthorne  
Gary Hutton  
Jay Johnson  
Honorable Steve M. King (phone)  
Honorable Louise Pearson  
Carl Reynolds  
Sian Schilhab  
Mark Unger  
Dennis Van Metre  
Jimmy Vaught  
Peter Vogel (phone)  
Honorable Randy Wilson (phone)  
Honorable Sheri Woodfin

Others in attendance:

Perla Cavazos, Texas Legal Services  
Janet Gilmore, Department of Information Resources  
Charles Gray, CUC  
Joel Green, TAC  
Jan Halverson, TAC  
Randy Haynes, Medical Research Consultants  
Sheila Hemphill, Worldwide Notary  
Harve Howell, OAG  
Jeff Karotkin, One Legal

Mike Lykes, Harris County  
Marlene Martineau, New Dawn Technologies  
Farrah Martinez, Harris County  
Kevin Mauzy, Harris County  
Evan Peterson, Harris County  
Stan Reid, TAC  
Bob Rice, Worldwide Notary  
Tom Schoolcraft, Thomson Reuters  
Rahul Sreenivasan, Representative Hochberg's Office  
Brian Stevenson, NIC  
Jake Stine, NIC  
Ashley Storm, Senator Wentworth's Office  
Christa Taylor, New Dawn Technologies  
Martin Zelinsky, Department of Information Resources

Office of Court Administration Staff:

Mary Cowherd  
Casey Kennedy  
Scott Jones  
Thomas Sullivan

## **II. Approval of Minutes – November 18, 2010**

**The minutes were amended to note that Doug Gowin was present (by phone) at the November meeting. David Slayton moved to adopt the minutes as amended. Amalia Rodriguez-Mendoza seconded the motion. The committee adopted the minutes unanimously.**

## **III. Reports from Committee Chairs on Projects for 2010–2011**

- A. Blake Hawthorne provided a general overview of the e-Filing section of the 2010 Report to the Supreme Court of Texas. He noted the recommendation for state-wide e-Filing rules. He also discussed the recommendation for a new funding model based on a statewide technology fee. Currently, Senate Bill 726 would implement a filing fee that would grant discretion to the Supreme Court to transfer funds to support e-Filing. In the area of governance, it was discussed that more control is needed over contractual terms, by bringing the e-Filing contract under the supervision of the judicial branch.

The e-Filing committee discussed the slow adoption of e-Filing in many courts. To facilitate e-Filing, there may need to be mandates. Currently judges are mandating e-filing on an ad hoc basis, without local rules, in Harris County. The e-Filing subcommittee will explore a more structured approach to mandate e-Filing in the most populous counties, with an eye towards eventually mandating e-Filing statewide. It was proposed by Justice Simmons that a subcommittee be created to set a timeline for e-Filing over the next three to five years. Members of the subcommittee

are Judge Dietz, Judge Johnson, Gary Fitzsimmons, Sheri Woodfin, Miles Brissette, Judge Cagle, and Doug Gowin.

A second subcommittee was proposed to discuss probate e-Filing. There are annual reports that need to be filed in the probate arena, which could be done by e-Filing. The subcommittee will look at how to implement this. Members of this subcommittee are Judge King and Carl Reynolds. Other members, especially county clerks and county judges, need to be identified.

Discussion occurred regarding the implementation of smart forms. OCA is creating a few smart forms now, but the FY2012/FY2013 project to expand smart forms was cut from the OCA appropriations request. The Supreme Court is establishing a task force to look at the use of forms in general for litigation. Ed Wells is part of this group, and OCA is also involved.

Amalia Rodriguez-Mendoza discussed the CUC project to draft criminal e-Filing rules. CUC is looking at the easiest way to implement the rules, as well as the fee structure. The draft is scheduled to go to the CUC board by the end of March, and then it will be sent to Justice Simmons. Another subcommittee was put together to work on issues related to criminal e-Filing. Members are David Slayton, Miles Brissette, Charles Gray, Carl Reynolds, Blake Hawthorne, Amalia Rodriguez-Mendoza, Evan Peterson, and Gary Zallar.

- B.** David Slayton reported on the Case Management committee. The committee is waiting on a number of different projects. The CIRA board of directors met the day before the JCIT meeting to consider standards for a case management system. The CIRA board wants to partner with JCIT to publish the standards.

Stan Reid of CIRA said that Joel Green would be the lead for CIRA and the main person that works with JCIT. CIRA has been working on open standards for development of a case management system. The components are a data dictionary, data domain, and data model. The CIRA board will meet again in March to discuss next steps. He thinks this would be a good opportunity to pair up with JCIT, through the TIJIS group.

- C.** Bob Wessels provided an update for the Standards committee. Standards are being developed for criminal e-Filing. The committee will meet before the next JCIT meeting to finalize their work. They hope to have a recommendation soon. The committee needs to confirm the standards with CIRA and CUC, and then look at the NIEM packets that were developed.
- D.** Carl Reynolds gave an update on the Shared Solutions Judicial Summit scheduled for January 8-12, 2012, at the AT&T Executive Conference Center in Austin. He is working with the Judicial Council, the Chief Justice, Judge Hervey, Don Lee, Jim Bethke, and Bob Wessels to put the summit together. They will be sending a survey out to key county officials in the near future, asking about their interest in attending

such a conference and taking up one of a number of broad topics. The topics are criminal cost containment; online court services; self-represented litigants; children, families and the courts; continuity of court operations and problem solving. The survey is just about to go out. They are looking for 100 to 125 participants.

- E. Jake Stine provided an update on e-Filing. One new jurisdiction was added in Travis County - JP4. There are eight more jurisdictions in the pipeline to be added. The number of e-Filings declined around the holidays.

Upcoming projects – the infrastructure is at the end of life. There are issues with high volume and system capacity. Items in the planning stage include upgrading the out-of-date .NET framework and Windows Server software and looking at optimizations and user interface improvements. They have a team meeting daily on these to put together a project schedule. In the meantime, NIC has doubled the number of export servers in the server farm and created a separate environment for Harris County to resolve their performance issues. A patch release to the current infrastructure is scheduled for March 12, 2011. The patch release will include some optimization for clerks.

There was discussion about e-Filing issues surrounding attorneys who are submitting irregular documents, such as documents that are not 8.5 x 11 or are digital embedded documents. There was also discussion about the type of PDF that is accepted by the portal, which is currently version 1.4. Mark Unger said that multimedia is becoming more prevalent in filings and that PDF/A does not handle this. He says that more multimedia will be included in filings in the future.

Justice Simmons asked that a workgroup be formed to look at the PDF issue. Members will include Casey Kennedy, Mark Unger, Dennis Van Metre, Miles Brissette, and Blake Hawthorne.

Justice Simmons asked when the NIC upgrades would occur. Jake Stine said the .NET upgrade is not scheduled yet. Jake Stine recommended against an e-Filing mandate at this time, and asked that JCIT work with NIC when developing the schedule so that NIC is ready when mandate goes into effect. Justice Simmons asked if this is a resource issue. Jake Stine responded that if the decision is made to stay with “a pay as you go” model, then NIC will need some filing guarantees from the State or it would need a different pay model.

Bob Wessels asked if NIC has any performance targets. Jake Stine responded that NIC has never lost a document and payment has always been captured. The uptime standard is 99.98%. Bob Wessels stated that he would like to know about response time specifically. He recommended that Casey Kennedy and some of the technology staff from various clerks’ offices get together to define expected performance standards. Casey Kennedy volunteered to draft performance standards and mentioned that he is working on an RFI (request for information) for a statewide e-Filing system, which will include benchmarks of expectations.

Jake Stine mentioned that the NIC e-Filing contract ends August 31, 2012.

#### **IV. Adoption of the report to the Supreme Court**

Justice Simmons said the JCIT Report had been discussed at the last JCIT meeting and comments were incorporated into the document. Despite several meetings with NIC, JCIT has been unable to calculate the actual NIC cost structure. Consequently, it is unclear what it would cost to contract for e-Filing services under a different financial model. Therefore, a request for information is being drafted seeking information to determine an appropriate cost for a license agreement, or other contractual arrangement for managing a portal for e-Filing.

At the last meeting, an electronic court record repository/index was discussed. Justice Simmons clarified that JCIT is looking for a way that attorneys can look at electronic court records maintained around the State without having to access the records through numerous different systems. Attorneys appreciate the federal PACER system and seek the same ease of access. JCIT does not recommend changing the duties of district and county clerks to maintain original court documents.

Changes made in the current draft of the report include the deletion of the recommendation to amend JCIT's duties and responsibilities. Likewise, a footnote about Harris County and their unapproved free fax filing system was deleted.

Justice Simmons asked that if there were no structural or basic disagreements with the report, that committee members could send any edits to her in the next week. She volunteered to make the changes and then send it to the Supreme Court.

Tom Schoolcraft talked about potential benefits of the "pay as you go" model. He noted that CaseFileExpress offers many services beyond just e-Filing that benefit the filers. He does not want JCIT to overlook these benefits. These are hidden costs that JCIT has not considered. He was concerned about the EFSPs being removed from the E-filing system. Justice Simmons responded that the Report does not recommend removing the EFSP's.

**Bob Wessels moved to adopt the report and send it forward to the Supreme Court. David Slayton seconded the motion. The committee approved the motion.**

#### **V. Open Discussion**

##### **A. Legislative Update**

Discussion occurred about SB 726. A copy of the bill was provided to attendees. SB 726 has been filed, which is an access to justice bill. SB726 primarily provides indigent funding and some funding for the state law library, but it also provides some possible funding to promote e-Filing and remote access.

## **B. Appellate e-Filing Rules**

Blake Hawthorne reported on the new appellate e-Filing rules that have been signed by the Supreme Court. The Court of Criminal Appeals has also approved them.

The rules create two templates. One template is for those courts that only want to get an electronic courtesy copy and are not necessarily ready for e-Filing. The other template is for voluntary e-Filing (not mandatory). The 1st and 14th COAs will begin e-Filing in the next two or three weeks, along with the Supreme Court.

In addition, court reporters, district clerks, and county clerks can file their reports electronically through a portal to the appellate courts. The 1st, 3rd, 5th, and 14th COAs currently accept these records electronically.

## **C. Amendments to the Texas Rules of Civil Procedures**

Justice Hecht has a group working on sensitive data rules. The Supreme Court has been reviewing draft rules that will provide restrictions on the sensitive data that may be accessed on line or filed. David Slayton stated that courts in Lubbock are using sensitive data rules, and they are working very well.

## **D. Presentation on legal signatures**

Bob Rice and Sheila Hemphill gave a presentation on their system for collecting legal electronic signatures.

## **E. New Business**

Judge Summers said he has visited with many rural counties since the last meeting. Only one out of twenty five is doing civil e-Filing, and the rest have a negative perspective of it. He suggested that when setting mandates for e-Filing, it should only be counties of 100,000 or more. He said there are a lot of misconceptions about e-Filing and internet security.

## **VI. Adjournment**

**Next meeting is April 29th.**

Justice Simmons said JCIT will need reports from all the subcommittees for the April 29th meeting. Casey Kennedy will email the subcommittees to arrange telephone

conferences. Justice Simmons will send the report to the Supreme Court once she has received any final comments.

**Justice Simmons adjourned the meeting at 12:08 p.m.**